

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

GENERAL ORDER NO. 25

IN THE MATTER OF:

Served July 28, 2020

Petition for Amendment of General)
Order No. 23, Filed by EMPIRE COACH)
LINE, INC.)

Case No. MP-2020-124

This matter is before the Commission on a petition filed on July 2, 2020, on behalf of Empire Coach Line, Inc., requesting that the Commission modify General Order No. 23 to end the tolling of deadlines for the filing of comments, protests, and requests for oral hearing in certain applications currently pending before the Commission.

I. BACKGROUND

Upon the filing of an application to obtain a WMATC Certificate of Authority, and certain other types of applications, the Commission issues public notice of each accepted application on its website and establishes a deadline for the filing of comments, protests, and requests for oral hearing, pursuant to Regulation No. 54-04(a). The Commission customarily provides a 14-day period to respond. The Commission does not decide such applications until the 14-day period has run.

In response to the present COVID-19 pandemic, the Commission's office was closed to the public by General Order No. 23, served March 30, 2020. In order to prevent prejudice to parties with matters pending before the Commission, General Order No. 23 also tolled filing deadlines while the office is closed.

Amid the pandemic, the Commission's office closure has endured longer than might have been originally anticipated, with the result that applications with a protest deadline set to expire on March 31, 2020, or later have been delayed indefinitely.

Petitioner is one of the affected applicants. Petitioner submitted an application on April 20, 2020, which has been captioned as Case No. AP-2020-072. On May 8, 2020, an initial protest deadline was set for May 22, 2020, which is currently tolled.

II. ANALYSIS

Rather than avoiding prejudice, this particular application of General Order No. 23 is harming applicants and the public by delaying consideration of applications, and consequently, potential authorization to furnish passenger transportation services to the public within the Washington Metropolitan Area Transit District. Conversely, members of the public may continue to file protests, comments, and requests for

oral hearing by mail despite the Commission's office closure. Commission staff is working remotely and is available to process such filings.

Accordingly, we find that it is in the public interest to grant the petition and end the tolling of deadlines for filing comments, protests, and requests for oral hearing in application proceedings pursuant to Regulation No. 54-04.

Pursuant to General Order No. 23:

except as otherwise provided by law, in computing any period of time prescribed or allowed by any rule, regulation, correspondence, or order of the Commission or by the Compact pursuant to Commission Rule No. 7-01, the time period from March 31, 2020, until the last day before the Commission's physical office reopens to the public, shall not be included.

Effective immediately, the preceding provision of General Order No. 23 shall cease to apply when computing deadlines set pursuant to Regulation No. 54-04.

As a result, filing deadlines set pursuant to Regulation No. 54-04 by public notice dated between March 31, 2020, and today will be 14 days from the date of this order. Filing deadlines set pursuant to Regulation No. 54-04 which commenced to run before March 31, 2020, but that have yet to elapse due to General Order No. 23, shall be 14 days from the date of the public notice, excluding the days within the period of March 31, 2020, through July 28, 2020.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS MAROOTIAN, HOLCOMB, AND RICHARD:



Jeffrey M. Lehmann
Executive Director